

REMARKS

I. Formalities

Claims 1-29 remain in the subject patent application. No claims are amended, added, or canceled herein. Accordingly, Applicants respectfully submit that no new matter is added herein.

II. Response to the 35 U.S.C. §102 Rejections

Claims 1, 2, 4-10, 15, 17-21, 26, 27, and 29 were rejected under 35 U.S.C. §102(b) as being allegedly anticipated by U.S. Patent No. 5,788,202 to Richter (hereinafter “Richter”). These rejections are respectfully traversed in view of the remarks made below.

Anticipation requires each element of a claimed invention to be disclosed in a single reference. Disclosure cannot be predicated on teachings in a reference that are vague or based upon conjecture. It is respectfully submitted that silence in a reference is not a proper substitute for an adequate disclosure of facts from which a conclusion of anticipation may justifiably follow. A proper anticipation rejection under 35 U.S.C. §102 requires that each element of a claimed invention be disclosed in a single reference having the same elements, united in the same way, and performing the same function.

A. Remarks Directed to Claim 1

Claim 1 is directed to a holding device for holding a portable object. The holding device comprises, among other components, a first arm and a second arm coupled to a support platform, and a biasing member located between the first and second arms. Claim 1 requires that the biasing member be capable of urging at least a portion of the first arm and at least a portion of the second arm toward each other. Richter does not show or disclose this limitation of claim 1. Instead, Richter discloses biasing members (elements 27 and 28) that are capable only of moving the arms of Richter’s device away from each other. This is made clear by, for example, FIGs. 1, 4, and 6 as well as by the passage at column 4, lines 29-35 where it is stated that “the coil springs 27, 28 in the chambers 15, 16 are disposed between the end walls of the chambers 15, 16 remote from the clamping wall structure 2 and the projections 22, 23 so that the clamping plate structure

2 is biased outwardly by the springs 22 [read 27], 28 and can be moved inwardly toward the base body 1 only against the force of the springs 27, 28.”

Based on the foregoing, Applicants respectfully submit that the 35 U.S.C. §102 rejection of claim 1 should be withdrawn. Such withdrawal of the rejection is respectfully requested.

B. Remarks Directed to Claims 2 and 4-10

Dependent claims must be construed to include all of the limitations of the claims from which they depend, as required by 37 C.F.R. 1.75(c) and M.P.E.P. 608.01(n). Therefore, claims 2 and 4-10, which depend from claim 1, are also not shown or disclosed by Richter for at least the same reasons as listed earlier for claim 1. Accordingly, Applicants respectfully request that the 35 U.S.C. §102 rejections of claims 2 and 4-10 be withdrawn.

C. Remarks Directed to Claim 15

Like claim 1, claim 15 is directed to a holding device for holding a portable object. The holding device comprises, among other components, a first lever and a second lever coupled to a support platform, a first grip coupled to a first portion of the first lever, a second grip coupled to a first portion of the second lever, and a spring coupled between the first and second levers. Claim 15 requires that the spring be capable of urging the first grip and the second grip toward each other.

Richter does not show or disclose the stated limitation of claim 15. Instead, Richter discloses springs (elements 27 and 28) that are capable only of moving the arms of Richter’s device away from each other. This is made clear by, for example, FIGs. 1, 4, and 6 as well as by the passage at column 4, lines 29-35 where it is stated that “the coil springs 27, 28 in the chambers 15, 16 are disposed between the end walls of the chambers 15, 16 remote from the clamping wall structure 2 and the projections 22, 23 so that the clamping plate structure 2 is biased outwardly by the springs 22 [read 27], 28 and can be moved inwardly toward the base body 1 only against the force of the springs 27, 28.”

Based on the foregoing, Applicants respectfully submit that the 35 U.S.C. §102 rejection of claim 15 should be withdrawn. Such withdrawal of the rejection is respectfully requested.

D. Remarks Directed to Claims 17-21

Dependent claims must be construed to include all of the limitations of the claims from which they depend, as required by 37 C.F.R. 1.75(c) and M.P.E.P. 608.01(n). Therefore, claims 17-21, which depend from claim 15, are also not shown or disclosed by Richter for at least the same reasons as listed earlier for claim 15. Accordingly, Applicants respectfully request that the 35 U.S.C. §102 rejections of claims 17-21 be withdrawn.

E. Remarks Directed to Claim 26

Claim 26 is directed to a method of manufacturing a holding device for holding a portable object. The method comprises, among other steps, the steps of providing a support platform having a first arm and a second arm coupled thereto, and of providing a biasing member located between the first arm and the second arm and capable of urging at least a portion of the first arm and at least a portion of the second arm toward each other. Richter does not show or disclose this limitation of claim 26. Instead, as was mentioned above in the remarks directed to both claim 1 and claim 15, Richter discloses biasing members (elements 27 and 28) that are capable only of moving the arms of Richter's device away from each other. This is made clear by, for example, FIGs. 1, 4, and 6 as well as by the passage at column 4, lines 29-35 where it is stated that "the coil springs 27, 28 in the chambers 15, 16 are disposed between the end walls of the chambers 15, 16 remote from the clamping wall structure 2 and the projections 22, 23 so that the clamping plate structure 2 is biased outwardly by the springs 22 [read 27], 28 and can be moved inwardly toward the base body 1 only against the force of the springs 27, 28."

Based on the foregoing, Applicants respectfully submit that the 35 U.S.C. §102 rejection of claim 26 should be withdrawn. Such withdrawal of the rejection is respectfully requested.

F. Remarks Directed to Claims 27 and 29

As stated above, dependent claims must be construed to include all of the limitations of the claims from which they depend, as required by 37 C.F.R. 1.75(c) and M.P.E.P. 608.01(n). Therefore, claims 27 and 29, which depend from claim 26, are also not shown or disclosed by Richter for at least the same reasons as listed earlier for claim 26. Accordingly, Applicants respectfully request that the 35 U.S.C. §102 rejections of claims 27 and 29 be withdrawn.

III. Response to the 35 U.S.C. §103 Rejections

Claims 12 and 23 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Richter in view of U.S. Patent No. 6,183,105 to Parker (hereinafter “Parker”). Claims 13, 14, 24, and 25 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Richter in view of U.S. Patent No. 5,836,563 to Hsin-Yung (hereinafter “Hsin-Yung”). These rejections are respectfully traversed in view of the remarks made below.

A. Remarks Directed to Claim 12

Claim 12 depends from claim 1, and thus must be construed to include all of the limitations of claim 1. It was mentioned above that claim 1 requires that the biasing member be capable of urging at least a portion of the first arm and at least a portion of the second arm toward each other. It was further mentioned above that Richter does not show or disclose this limitation, but instead discloses a device in which the biasing members (elements 27 and 28) are capable only of moving the arms of Richter’s device away from each other.

It is now respectfully submitted that Richter likewise fails to teach or suggest the stated limitation of claim 1. There is nothing in Richter, either in the figures or in the text, that would lead one to modify the operation of the biasing member such that they urge or bias the moveable arms toward rather than away from each other.

Parker fails to make up for the deficiencies of Richter in terms of the disclosure of the stated limitation of claim 1. Claim 12, therefore, is not taught or suggested by Richter, by Parker, or by the combination of Richter and Parker.

Based on the foregoing, Applicants respectfully submit that the rejection of claim 12 should be withdrawn. Such withdrawal of the rejection is respectfully requested.

B. Remarks Directed to Claim 23

Claim 23 depends from claim 15, and thus must be construed to include all of the limitations of claim 15. It was mentioned above that claim 15 requires that the spring be capable

of urging at least a portion of the first grip and at least a portion of the second grip toward each other. It was further mentioned above that Richter does not show or disclose this limitation, but instead discloses a device in which the springs (elements 27 and 28) are capable only of moving the arms of Richter's device away from each other.

It is now respectfully submitted that Richter likewise fails to teach or suggest the stated limitation of claim 15. There is nothing in Richter, either in the figures or in the text, that would lead one to modify the operation of the spring such that they urge or bias the moveable arms toward rather than away from each other.

Parker fails to make up for the deficiencies of Richter in terms of the disclosure of the stated limitation of claim 15. Claim 23, therefore, is not taught or suggested by Richter, by Parker, or by the combination of Richter and Parker.

Based on the foregoing, Applicants respectfully submit that the rejection of claim 23 should be withdrawn. Such withdrawal of the rejection is respectfully requested.

C. Remarks Directed to Claims 13 and 14

Claims 13 and 14 depend from claim 1, and thus must be construed to include all of the limitations of claim 1. It was mentioned above that claim 1 requires that the biasing member be capable of urging at least a portion of the first arm and at least a portion of the second arm toward each other. It was further mentioned above that Richter does not show, disclose, teach, or suggest this limitation, but instead discloses a device in which the biasing members (elements 27 and 28) are capable only of moving the arms of Richter's device away from each other.

Hsin-Yung fails to make up for the deficiencies of Richter in terms of the disclosure of the stated limitation of claim 1. Claims 13 and 14, therefore, are not taught or suggested by Richter, by Hsin-Yung, or by the combination of Richter and Hsin-Yung.

Based on the foregoing, Applicants respectfully submit that the rejection of claims 13 and 14 should be withdrawn. Such withdrawal of the rejections is respectfully requested.

D. Remarks Directed to Claims 24 and 25

Claims 24 and 25 depend from claim 15, and thus must be construed to include all of the limitations of claim 15. It was mentioned above that claim 15 requires that the spring be capable of urging at least a portion of the first grip and at least a portion of the second grip toward each other. It was further mentioned above that Richter does not show, disclose, teach, or suggest this limitation, but instead discloses a device in which the springs (elements 27 and 28) are capable only of moving the arms of Richter's device away from each other.

Hsin-Yung fails to make up for the deficiencies of Richter in terms of the disclosure of the stated limitation of claim 15. Claims 24 and 25, therefore, are not taught or suggested by Richter, by Hsin-Yung, or by the combination of Richter and Hsin-Yung.

Based on the foregoing, Applicants respectfully submit that the rejection of claims 24 and 25 should be withdrawn. Such withdrawal of the rejections is respectfully requested.

IV. Remarks Directed to the Allowable Subject Matter

Claims 3, 11, 16, 22, and 28 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form. Applicants thank Examiner Marsh for this indication of allowable subject matter, but have declined the invitation to rewrite the claims in independent form at this time because the remarks above are thought sufficient to overcome the rejections of the base claims.

V. Remarks Directed to the Art Made of Record and Not Relied Upon

The art made of record and not relied upon is thought to neither show, disclose, teach, nor suggest the invention that is the subject of the pending application.

CONCLUSION

Applicants have made an earnest attempt to place this case in condition for allowance. In light of the amendments and remarks set forth above, Applicants respectfully request reconsideration and allowance of all of the pending claims.

No fees are believed to be due in connection with this paper. However, the Commissioner for Patents is hereby authorized to charge any fees necessitated by this Response, or credit any overpayment, to Account No. 02-4467.

If there are matters that can be discussed by telephone to further the prosecution of this application, Applicants invite Examiner Marsh to call the undersigned attorney at the Examiner's convenience.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Kenneth A. Nelson". The signature is fluid and cursive, with the first name "Kenneth" being more prominent.

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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